

SUPREME COURT OF THE STATE OF NEW YORK

ALLEGAY COUNTY OF NEW YORK

In the Matter of the Application of

Marshall Green

Petitioner,

- against -

The County of Allegany, New York,
Jennifer Bigelow,
Carolyn Kellogg,
Pamela Watson,

Respondents.

SUMMONS

Index No. 51428

Date Index No.
Was Purchased
August 28, 2024


ENDORSED
2024 AUG 28 PM 1:48
ROBERT L. CHRISTMAN
CLERK
ALLEGANY COUNTY

To the Person(s) Named as Defendant(s) Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff(s) herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgement will be entered against you by default for the relief demanded in the complaint.

Dated: August 28, 20 24


Marshall Geen
128 South Broad Street
Wellsville, NY 14895
585-808-5362

Respondents(s):

Allegany County, NY
7 Court Street,
Belmont, NY 14813-1084
585-268-7612

Jennifer Bigelow
7 Court Street,
Belmont, NY 14813-1084
585-268-9622

Pamela Watson
7650 NW 180th St
Trenton, FL 32693
716-968-1792

Carolyn Kellogg
7 Court Street,
Belmont, NY 14813-1084
585-268-9622

Venue: Plaintiff designates Allegany County as the place of trial. The basis of this designation is the Plaintiff Residence in Allegany County.

SUPREME COURT OF THE STATE OF NEW YORK

ALLEGAY COUNTY OF NEW YORK

In the Matter of the Application of

VERIFIED PETITION

Marshall Green,

Index No. 51428

Petitioner,

- against -

The County of Allegany, New York,

Jennifer Bigelow,

Carolyn Kellogg,

Pamela Watson,

Respondents.

ENDORSED

2024 AUG 28 PM 1:48

ROBERT L. CHRISTMAN
CLERK
ALLEGANY COUNTY

TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF ALLEGANY:

Petitioner Marshall Green, Pro se, brings forth a makes the following petition against The County of Allegany, NY, Jennifer Bigelow, Carolyn Kellogg, and Pamela Watson to the court claiming both a Violation of civil rights statute, 42 U.S.C. § 1983, Malicious Prosecution and a Violation of the 14th Amendment of the U.S.C., Due Process:

1. The Allegany County Child Protective Services violated Mr. Green's Civil Rights and 14th Amendment rights by finding an indicated report against him while knowingly issuing false statements and pursuing the indicated case in a judicial review while possessing key evidence showing the alleged claim of strangulation to be false. Furthermore, the key witness at the Judicial Hearing for the Allegany County Family Services, Deputy Director Jennifer Bigelow, lied under oath during cross examination about the possession of key evidence in CPS case files.
2. CPS Case Worker, Pamela Watson, knowingly falsified reports on multiple occasions claiming the Petitioners son had bruising on his neck as a result of the Petitioner strangling him... in doing so she created a false narrative of probable cause to show abuse which resulted in the indicated CPS report against the Petitioner. (Exhibit 1 attached)

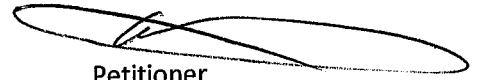
3. CPS Case Worker, Mrs. Watson, and Allegany County Department of Family Services Deputy Commissioner Jennifer Bigelow knowingly possessed key evidence (doctors report and photographs) that directly contradicted Mrs. Watson's false claims of bruising on the Petitioner's son's neck. (exhibits 2 & 3 attached)
4. Deputy Commissioner Bigelow and Allegany County Senior Department of Social Services Attorney, Carolyn Kellogg, pursued the upholding of an indicated report through the Fair Hearing process while knowingly possessing key evidence that showed the accusation to be false.
5. Deputy Commissioner Bigelow, during cross examination at an Administrative Hearing, stated under oath that the Department of Family services did not have in its files photographic evidence that showed the claims of Case Worker Watson to be false... that there were in fact no bruising on the Petitioner's Son's neck. Upon further questioning by Judge Heather Sloma, Deputy Commissioner Bigelow then admitted that the agency did indeed possess the files with the photographic evidence (exhibit ~~3~~⁴, audio transcript).
6. Prior to the Administrative hearing, attorney Carolyn Kellogg was ordered by the Judge Sloma to turn over all evidence during discovery to the Petitioner for the judicial appeal at the administrative hearing. During the hearing, Deputy Commissioner Bigelow admitted during cross examination that CPS both possessed photographs and a doctor's examination report which were not turned over to Petitioner during discovery. Both pieces of evidence clearly refuted the claim made by the county accusing the Petitioner of strangling his son.
7. Letter Of Intent To Sue was served on September 1, 2023. The counsel for Allegany County, Marc Smith, esq conducted a Section 50-h examination of the Petitioner on October 20, 2023.

The Petitioner is seeking recovery of attorney's fees & court costs, compensatory damages of \$1, punitive damages of \$500,000 and a public apology statement issued to the Olean Times Herald Newspaper, the Wellsville Sun News, and the Hornell Sun News, by the County of Allegany in regard to the false claim of strangulation.

The Petitioner respectfully requests of the court that a **JURY TRIAL DEMANDED**

Dated: August 28, 2024

Respectfully submitted,



Petitioner

Marshall Green, Pro se

128 South Broad Street

Wellsville, NY 14895

585-808-5362

Mhbgreen74@gmail.com

To: Respondent(s):

Allegany County, NY

7 Court Street,

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Carolyn Kellogg

7 Court Street,

Belmont, NY 14813-1084

585-268-9622

CONNECTIONS

*****WARNING*****

STAGE SUMMARY

CONFIDENTIAL INFORMATION
AUTHORIZED PERSONNEL ONLYCASE ID: 28035554
CASE NAME: [REDACTED]STAGE: Investigation
STAGE ID: 34147370
STAGE NAME: [REDACTED]
REPORT DATE: 5/26/2022

SAFETY ASSESSMENT

Assessment Date: 07/07/2022

Event Status: APRV

Type: Inv. Determination

Event Date: 07/07/2022

Decision: 1. No Safety Factors were identified at this time. Based on currently available information, there is no child(ren) likely to be in immediate or impending danger of serious harm. No Safety Plan/Controlling Interventions are necessary at this time.

Selected Safety Factors:

- No Safety Factors present at this time.

Comment:

There is no safety at this time. Marshall agreed to not use physical discipline with the children. there have been no other incidents. The mother is trying to modify the current custody order.

Safety Factors that place the child(ren) in immediate danger of serious harm:Comment:Mitigating Strengths and Resources:Interventions:Comments:

SAFETY ASSESSMENT

Assessment Date: 06/01/2022

Event Status: APRV

Type: CPS 7 day

Event Date: 06/01/2022

Decision: 3. One or more Safety Factors are present that place the child(ren) in immediate or impending danger of serious harm. A Safety Plan is necessary and has been implemented/maintained through the actions of the Parent(s)/Caretaker(s) and/or either CPS or Child Welfare staff. The child(ren) will remain in the care of the Parent(s)/Caretaker(s).

Selected Safety Factors:

- Parent(s)/Caretaker(s) has a recent history of violence and/or is currently violent and out of control.

Comment:

Marshall Green admitted that he was angry with his son. He pushed his son up against a wall and then dragged him up the stairs. The youngest child demonstrated how dad put his hands around her brothers neck and squeezed hard. Marshall was arrested and has agreed to not use any form of physical discipline with any of the children. Both homes were safe and appropriate.

Safety Factors that place the child(ren) in immediate danger of serious harm:

- 6. Parent(s)/Caretaker(s) has a recent history of violence and/or is currently violent and out of control.

Comment:Mitigating Strengths and Resources:

Marshall agreed to not use any form of Physical Discipline with any of the children. The mother was provided the DV hotline number and encouraged to talk to her attorney. The father was arrested for Endangering the Welfare of a child.

Interventions:

- Law Enforcement Involvement

Comments:

The Wellsville PD arrested Marshall for Endangering the Welfare of the child. The child was observed to have marks on his neck, collar bone and arms. Photos were taken and the child was seen by a pediatrician. There is a safety plan in place that Marshall will not use any form of physical discipline.

E+2

Green, Jaxson (MRN E1991228)

Encounter Date: 05/26/2022

Mouth: OP clear, MMM
 Neck: full ROM, no lymphadenopathy
 Lungs: good air entry b/l, no retractions, no wheezing or rhonchi
 Heart: I/R/R, n/ S1 and S2, no murmurs, pulses +2 and symmetric, brisk cap refill
 Abdomen: soft, NT/ND, no masses or HSM appreciated
 Skin: Warm and dry, tenderness noted over the left lateral neck with no obvious bruising noted. There is a yellow linear bruise noted on the left anterior shoulder approximately 3.5" long with a smaller penny sized yellow colored bruise noted just inferior to this, a small circular nickel sized bruise is noted on the right anterior forearm as well.

Assessment

Jaxson Green is a 13 y.o. male with physical injuries reportedly from a physical altercation with parent.

Plan

- CPS reports filed by mom, mom was instructed by CPS to go the police station when they leave the office, Pam Watson also contacted me and requested an update on my findings which was provided.
- Getting history from a parent/guardian was necessary for this visit? Yes

Monica Acemb, NP 1:53 PM 5/26/2022

Discontinued Medications

Medication	Reason for Discontinuation
polyethylene glycol (GLYCOLAX, MIRALAX) powder packets	NO longer indicated
albuterol (PROVENTIL) (5 MG/ML) 0.5% nebulizer solution	No longer indicated

Medications at End of Encounter

Medication	Instructions
amphetamine-dextroamphetamine (ADDERALL XR) 15 MG 24 hr capsule	Take by mouth every morning
sertraline (ZOLOFT) 50 mg tablet	Take 50 mg by mouth daily
risperidone (RISPERDAL) 0.25 mg tablet	Take 0.25 mg by mouth daily

Level of Service

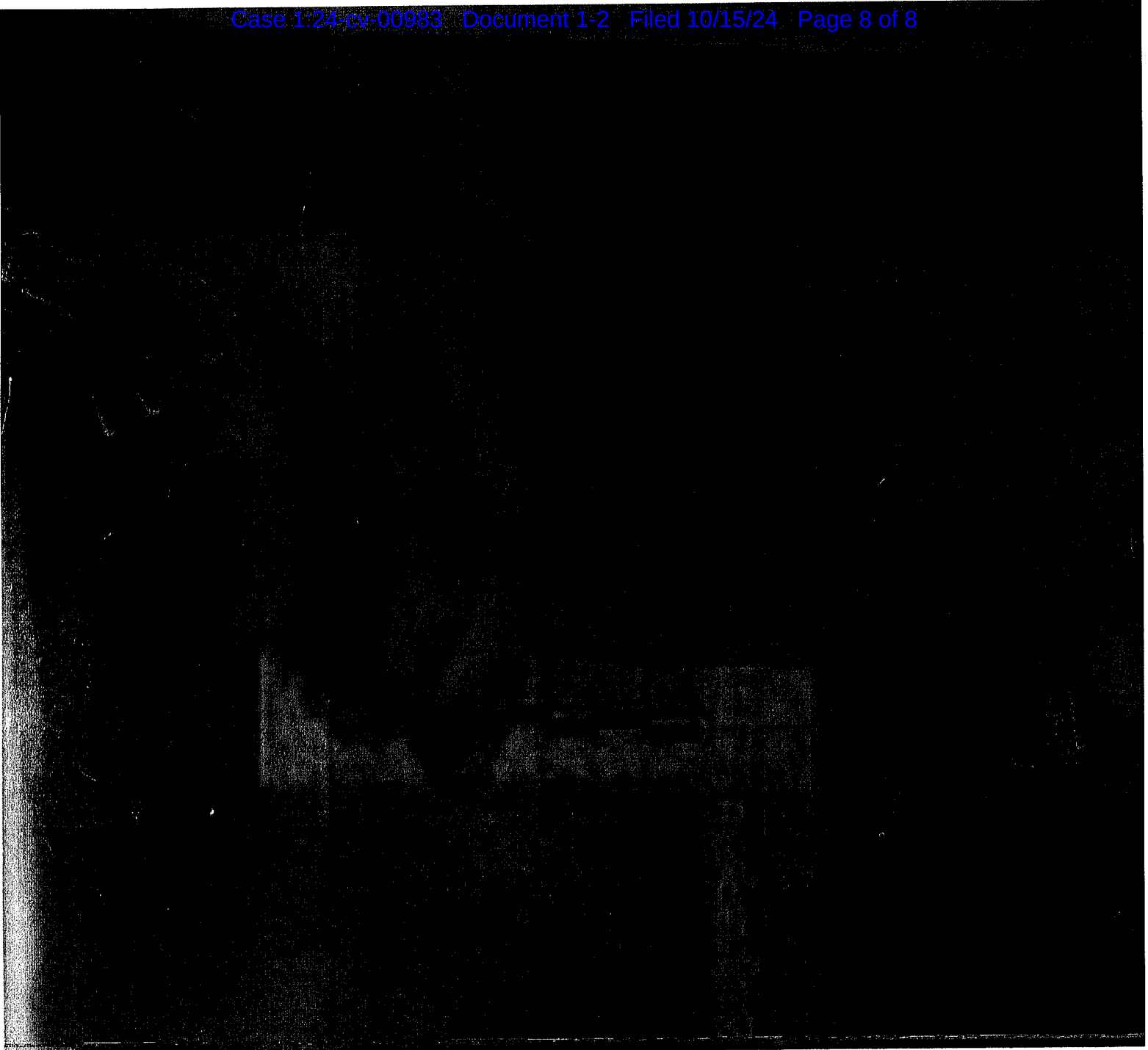
Level of Service
 PROPOSED/STABILITY ESTABLISHED LOW RISK (0-2) (MS) (MS)
 Low threat
 Low harm

All FlowSheet Templates (all recorded)

Custom Formulas Data
 Encounter Notes

Green, Jaxson (MRN E1991228) Printed At: 5/17/2024 10:28 AM

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